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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,126	11/25/2003	Hiroyuki Maejima	245838US3	4379
22850	7590	06/23/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			KWON, JOHN	
		ART UNIT		PAPER NUMBER
		3747		

DATE MAILED: 06/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/720,126	MAEJIMA, HIROYUKI	

  

<b>Examiner</b>	<b>Art Unit</b>	
John T. Kwon	3747	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 28 April 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-15 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-15 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
     Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
     Paper No(s)/Mail Date \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kashima (US 6 471 559) in view of Katayama (US 64 81 411). Kashima discloses an outboard motor (10) comprising: an outer cover; an engine disposed inside the outer cover and comprising a crankcase, a cylinder block and a cylinder head, an intake provided for the engine and including a throttle body disposed in a vicinity of the crankcase, and an intake manifold (82) disposed on a side of the engine so as to extend from the throttle body, said intake manifold having a plurality of intake pipes (74) extending towards intake ports formed in the cylinder head to be connected thereto; and a fuel injector unit (94) disposed in substantially an intermediate portion of the intake manifold (col. 6, lines 5-15). The fuel injector unit is placed in a space between a sidewall of the engine and the intake manifold. However, Kashima does not show the use of a surge tank disposed on a downstream side of the throttle body. Kashima shows that the provision of a surge tank means (100a) located disposed on a downstream side of the throttle body is old and well known in the art. Since the prior art references art from the same field of endeavor, the purpose disclosed by Katayama would have been recognized in the pertinent art of Kashima. Therefore, it would have been obvious at the time the invention was made to a person

having ordinary skill in the art to provide the device of Kashima with the surge tank means located disposed on a downstream side of the throttle as taught by Katayama.

Claims 10-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kashima (US 6 471 559) in view of Katayama (US 64 81 411) as applied to claims 1-9 above, and further in view of Watanabe (US 6 446 594). Kashima as modified shows the outboard motor with the surge tank disposed downstream of the throttle body as explained above, but does not show the use of a vapor separator adjacent to a fuel injector. Watanabe shows that the provision of a vapor separator is old and well known in the art. Since the prior art references art from the same field of endeavor, the purpose disclosed by Watanabe would have been recognized in the pertinent art of Katayama. Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to provide the device of Katayama with the vapor separator as taught by Watanabe. Regarding the claimed particular location for the vapor separator and intake duct, it would have been considered to be an obvious choice of mechanical design because one skilled in this art is familiar with basic fluid mechanic and normally has the laboratory test facilities. To optimize or select the suitable locations for the separator/intake duct would be within the ability of ordinary skilled in this art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John T. Kwon whose telephone number is (571) 272-4846. The examiner can normally be reached on M-Th.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Yuen can be reached on (571) 272-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John T. Kwon  
Primary Examiner  
Art Unit 3747

June 21, 2005